

MARK EPSTEIN (SBN: 159801)
PETER C. CATALANOTTI (SBN: 230743)
KRISTINA M. WERTZ (SBN: 235441)
THE EPSTEIN GROUP
Attorneys & Counselors at Law
2358 Market Street, Third Floor
San Francisco, CA 94114
Telephone: (415) 863-5718
Facsimile: (415) 863-8719
email: mepstein@epsteingroup.com

Attorneys for Plaintiff
ALVIN GUILLERMO

PATRICIA K. GILLETTE (SBN: 74461)
GREG J. RICHARDSON (SBN: 203788)
SARAH E. ARMSTRONG (SBN: 224576)
HELLER EHRMAN LLP
333 Bush Street
San Francisco, CA 94104-2878
Telephone: (415) 772-6000
Facsimile: (415) 772-6268
email: patricia.gillette@hellerehrman.com

Attorneys for Defendants
BANK OF AMERICA AND SHAWNA AGUILAR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ALVIN GUILLERMO,

Plaintiff,

v.

BANK OF AMERICA AND SHAWNA
AGUILAR,

Defendants.

Case No.: C 05 4655 MJJ

**STIPULATION TO MODIFY
PRETRIAL SCHEDULING ORDER
AND ~~PROPOSED~~ ORDER**

The Honorable Martin J. Jenkins

1 By this joint stipulation, Defendants Bank of America, National Association and Shawna
2 Aguilar and Plaintiff Alvin Guillermo, by and through their counsel, respectfully request that the
3 Court amend its Pretrial Order to postpone all pretrial dates by approximately 45 days, for the
4 following reasons:

5 1. The parties have agreed that mediation is appropriate for this case, and seek to
6 attempt to resolve the matter outside of Court.

7 2. The parties stipulated to use the Court's ADR program, and have been scheduled to
8 mediate the case on March 22, 2007 with Yolanda Jackson, Esq.

9 3. The parties do not wish to waste resources on expert reports or motion practice prior
10 to mediating the case.

11 4. If mediation is not successful, Defendant anticipates filing a motion for summary
12 judgment. The parties agree that they should attempt mediation before involving the Court in any
13 dispositive motions.

14 5. The parties previously stipulated to extending certain deadlines in the case, although
15 the trial date has not been moved. This Court granted the parties' request on December 21, 2006.

16 6. Under the current pretrial order:

- 17 • Expert reports are due to be exchanged on March 16;
18 • Dispositive motions must be filed by March 27, 2007 (to be heard by May 1, 2007);
19 • Expert discovery cutoff is April 16, 2007;
20 • A settlement conference is scheduled with Magistrate Judge Chen on May 18, 2007; and
21 • Trial is scheduled for June 4, 2007.

22 7. Because they are unable to mediate the case until late March, the parties hereby
23 request that this Court enter an Order extending the deadline for expert reports, expert discovery,
24 and the final date by which dispositive motions must be heard.

25 8. Therefore, the parties request that the Court amend the pretrial order to permit time
26 to mediate the case in an effort to resolve it outside of Court. By this stipulation, the parties
27

1 request that all pretrial deadlines are changed, but the trial date remains the same. The parties
2 request the following amendment to the pretrial order:

3 Expert Reports: April 13, 2007

4 Expert Discovery Cutoff: May 4, 2007

5 Dispositive Motions Shall be heard by: May 22, 2007
6

7
8 March 8, 2007

Respectfully submitted,
THE EPSTEIN GROUP

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11 By: /s/ Kristina M. Wertz
MARK EPSTEIN
12 PETER C. CATALANOTTI
KRISTINA M. WERTZ

13 Attorneys for Plaintiff
14 ALVIN GUILLERMO

15
16 March 8, 2007

HELLER EHRMAN LLP

17 By: /s/ Sarah E. Armstrong
PATRICIA K. GILLETTE
18 GREG J. RICHARDSON
SARAH E. ARMSTRONG
19 Attorneys for Defendants
BANK OF AMERICA, National Association,
20 and SHAWNA AGUILAR
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Heller
Ehrman LLP

ORDER

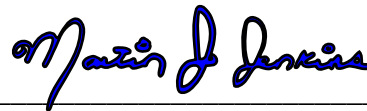
PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT the Request for an amendment of the Pretrial Order is GRANTED. The Pretrial Order shall be amended as follows:

Expert Report: April 13, 2007

Expert Discovery Cutoff: May 4, 2007

Dispositive Motions Shall be heard by: May 22, 2007

DATED: 3/9/2007



The Honorable Martin J. Jenkins
UNITED STATES DISTRICT COURT